

UNITED STATES DISTRICT COURT

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jan 13, 2023

SEAN F. McAVOY, CLERK

VANDERVERT CONSTRUCTION,
INC.,

Plaintiff

v.

ALLIED WORLD SPECIALTY INSURANCE
COMPANY (F/K/A DARWIN NATIONAL ASSURANCE
COMPANY), and WESTCHESTER FIRE INSURANCE
COMPANY

Defendant

Civil Action No. 2:21-CV-00197-MKD

JUDGMENT IN A CIVIL ACTION

The court has ordered that *(check one)*:

☐ the plaintiff *(name)* _____ recover from the
defendant *(name)* _____ the amount of
_____ dollars (\$ _____), which includes prejudgment
interest at the rate of _____ %, plus post judgment interest at the rate of _____ % per annum, along with costs.

☐ the plaintiff recover nothing, the action be dismissed on the merits, and the defendant *(name)* _____
_____ recover costs from the plaintiff *(name)* _____
_____.

☒ other: Defendants' Motion for Summary Judgment (ECF No. 50) is GRANTED IN PART.
DECLARATORY JUDGMENT is entered in favor of Defendant Insurers and against Vandervert declaring as a
matter of law that: Defendants Allied World Specialty Insurance Company and Westchester Fire Insurance Company
have no duty under the terms of Policy Nos. 0309-7022 or I08877099 001 to pay for Vandervert Construction, Inc.'s
losses sustained from rain during the construction of the Bellevue Hilton Garden Inn Hotel in Bellevue, Washington.

This action was *(check one)*:

☐ tried by a jury with Judge _____ presiding, and the jury has
rendered a verdict.

☐ tried by Judge _____ without a jury and the above decision
was reached.

☒ decided by Judge _____ Mary K. Dimke _____ on a motion for
Summary Judgment.

Date: 1/13/2023

CLERK OF COURT

SEAN F. McAVOY

s/ Lee Reams

(By) Deputy Clerk

Lee Reams